

ARIZONA STATE BOARD OF PHARMACY
1700 W. Washington Street, Room 250
Phoenix, Arizona 85007
(602) 771-2727

In the Matter of

IVAN LAU,

Holder of Pharmacist License No. S014019

for the Practice of Pharmacy in the State of Arizona

**FINDINGS OF FACT, CONCLUSIONS
of LAW and BOARD ORDER
Number 09-0005-PHR**

Pursuant to Notice of Hearing Number 09-0005-PHR (Notice) this matter came before the Arizona State Board of Pharmacy (Board) on May 7, 2009.

Dennis McAllister, vice-president, presided with members Zina Berry, JoAnne Galindo, Ridge Smidt, Steve Haiber and Tom Van Hassel in attendance.

The State was represented by the Office of the Attorney General, Elizabeth Campbell, Assistant Attorney General, Licensing and Enforcement Section. Christopher Munns, of the Solicitor General's Section of the Attorney General's Office was present and available to provide independent legal advice to the Board. Ivan Lau, (Respondent) was present and was represented by attorney Barry Mitchell.

The Board, after considering the testimony and evidence presented, hereby issues the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. During all times relevant to these Findings, Respondent worked as a pharmacist at CVS Pharmacy #89 in Scottsdale, Arizona (the "Pharmacy").

2. In 2008, Respondent, while working as a pharmacist at CVS, provided butalbital/APAP/caffeine and fluoxetine to patient CG without a prescription and without payment for the drugs being made to CVS.

1 3. In May 2008, Respondent was interviewed by CVS loss prevention personnel. In a
2 written statement dated May 27, 2008, Respondent admitted giving about 100 tablets of
3 butalbital/APAP/caffeine and about 15 capsules of fluoxetine to patient CG without a prescription and
4 without payment to the Pharmacy. Respondent subsequently indicated that he provided CG with
5 fewer pills than stated in his written statement.
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7 4. In the written statement dated May 27, 2008, Respondent denied personally receiving
8 money from patient CG. However, Respondent stated in the written statement that patient CG had left
9 sports tickets and that Respondent had attended three games with those tickets.
10

11 5. Fluoxetine and butalbital/APAP/caffeine are prescription-only drugs.
12

13 CONCLUSIONS OF LAW

14 1. The Board possesses jurisdiction over the subject matter and over Respondent pursuant
15 to A.R.S. § 32-1901 *et seq.*

16 2. The Board may discipline a pharmacist who has engaged in unprofessional conduct.
17 A.R.S. § 32-1927(A)(1).

18 3. Respondent's conduct as described above constitutes a violation of A.R.S. § 32-
19 1968(A) ("A prescription-only drug shall be dispensed only under one of the following conditions: (1)
20 By a medical practitioner in conformance with A.R.S. § 32-1921; (2) On a written prescription order
21 bearing the prescribing medical practitioner's manual signature; (3) On an electronically transmitted
22 prescription order containing the prescribing medical practitioner's electronic or digital signature that
23 is reduced promptly to writing and filed by the pharmacist; (4) On a written prescription order
24 generated from electronic media containing the prescribing medical practitioner's electronic or manual
25 signature. A prescription order that contains only an electronic signature must be applied to paper that
26 uses security features that will ensure the prescription order is not subject to any form of copying or
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1 alteration; (5) On an oral prescription order that is reduced promptly to writing and filed by the
2 pharmacist; (6) By refilling any written, electronically transmitted or oral prescription order if a refill
3 is authorized by the prescriber either in the original prescription order, by an electronically transmitted
4 refill order that is documented promptly and filed by the pharmacist or by an oral refill order that is
5 documented promptly and filed by the pharmacist.”)

7 4. Respondent’s practice and conduct, as described above, constitute unprofessional
8 conduct pursuant to A.R.S. § 32-1901.01(B)(11) (“Knowingly dispensing a drug without a valid
9 prescription order as required pursuant to section 32-1968, subsection A.”).

11 **ORDER**

12 In view of the above Findings of Fact and Conclusions of Law, the Board issues the following
13 Order:

14 Pharmacist License number S14019 issued to Respondent is hereby suspended for three
15 months, said suspension is stayed and the license is placed on probation for a period of one year.
16 Respondent shall not serve as a pharmacist in charge during the term of probation and shall pay a civil
17 penalty of one thousand dollars (\$1,000.00) for each of the thirteen (13) unauthorized prescriptions
18 listed above for a total civil penalty of thirteen thousand dollars (\$13,000.00) within ninety days of the
19 effective date of this Order.
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22 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

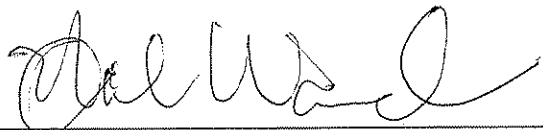
23 Respondent is hereby notified of the right to petition for a rehearing or review by filing a
24 petition with the Board’s Executive Director within thirty (30) days after service of this Order. A.R.S.
25 § 41-1092.09. The petition must set forth legally sufficient reasons for granting a rehearing. A.C.C.
26 R4-23-128. Service of this order is effective five (5) days after date of mailing. If a motion for
27 rehearing is not filed, the Board’s Order becomes effective thirty-five (35) days after it is mailed to
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1 Respondent.

2 2. Respondent is further notified that the filing of a motion for rehearing is required to
3 preserve any rights of appeal to the Superior Court.

4 DATED this 8th day of May, 2009.

6 ARIZONA STATE BOARD OF PHARMACY

7
8 By: 
9 HAL WAND, R.Ph.
Executive Director

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11 ORIGINAL OF THE FORGOING FILED
12 this 11 day of May, 2009, with:

13 Arizona State Board of Pharmacy
14 1700 West Washington Street, Suite 250
Phoenix, Arizona 85007

15 COPY OF THE FOREGOING MAILED
16 BY CERTIFIED & REGULAR FIRST CLASS MAIL
this 11 day of May, 2009, to:

17 Ivan Lau
18 734 W. Sandra Terrace
19 Phoenix, Arizona 85023
Respondent

20 COPY OF THE FOREGOING MAILED
21 this 11 day of May, 2009, to:

22 Christopher Munns
23 Assistant Attorney General, CIV/SGO
Attorney for the Board

24 Elizabeth A. Campbell
25 Assistant Attorney General, CIV/LES
26 Attorney for the State of Arizona

27 Both located at:
1275 W. Washington Street, Phoenix, Arizona 85007

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